

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL L. POKLADEK,

Plaintiff,

Case No. 1:15-CV-425

v.

HON. GORDON J. QUIST

MICHIGAN DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

ORDER ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Ray Kent's August 9, 2016 Report and Recommendation, which recommends that the Court grant Defendants Krantz's and Sata's motion for summary judgment based on lack of exhaustion and grant the Michigan Department of Corrections's (MDOC) motion to dismiss based on Eleventh Amendment immunity. The Report and Recommendation was served on Plaintiff on August 9, 2016. No objections have been filed pursuant to 28 U.S.C. § 636. Accordingly, the Court will adopt the Report and Recommendation.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 26), filed August 9, 2016, is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant MDOC's Motion to Dismiss (ECF No. 13) and Defendants Sata's and Krantz's Motion for Summary Judgment (ECF No. 15) are **GRANTED**. Plaintiff's claims against the MDOC are **DISMISSED WITH PREJUDICE**, and Plaintiff's claims against Defendants Sata and Krantz are **DISMISSED WITHOUT PREJUDICE**.

Dated: September 9, 2016

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE